IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 16459 of 2005(H)

PETITIONER:
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1. MUTHULAKSHMY,
JUNIOR PUBLIC HEALTH NURSE, PRIMARY HEALTH CENTRE,
KUKRUVATTOOR, KURUVATTOOR POST, KOZHIKODE DISTRICT

2. MALLIKESWARI,
JUNIOR PUBLIC HEALTH NURSE, PRIMARY HEALTH CENTRE,
KONDOTTY, KONDOTTY POST, MALAPPURAM DISTRICT.

BY ADV. SRI.A.K.ALEX

RESPONDENTS:
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1. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REP. BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER OF HEALTH,
KOZHIKODE.

4. THE DISTRICT MEDICAL OFFICER OF HEALTH,
MANJERI.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT APPOINTING THE 1ST PETITIONER AS JUNIOR PUBLIC HEALTH NURSE (PROVISIONAL)

EXT.P2 : TRUE COPY OF THE ORDER OF THE THIRD RESPONDENT NO.A4-18729/97 DT. 24.2.1998.

EXT.P3 : TRUE COPY OF THE ORDER PASSED BY THE THIRD RESPONDENT APPOINTING THE 2ND PETITIONER AS JUNIOR PUBLIC HEALTH NURSE (PROVISIONAL) DT. 28.6.1989.

EXT.P4 : RUE COPY OF THE DISCHARGE CERTIFICATE ISSUED BY MEDICAL OFFICER TO THE 2ND PETITIONER.

EXT.P5 : TRUE COPY OF THE PROCEEDINGS OF THE DIST.MEDICAL OFFICER OF HEALTH, MANJERI DT. 15.7.99.

EXT.P6 TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL NO.1904/00 OF THE HON'BLE SUPREME COURT.

EXT.P 7 TRUE COPY OF THE JUDGMENT IN W.P.C.NO.493/91 OF THE HON'BLE SUPREME COURT.

EXT.P8 TRUE COPY OF THE PROCEEDINGS OF THE ADDL.DIRECTOR OF HEALTH SERVICES DT. 30.6.2004.

EXT.P9 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P10 TRUE COPY OF THE REPRESENTATION SENT BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.

TGS

KURIAN JOSEPH J.

W.P.(C) No.16459 of 2005

Dated 17th August, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "declare the provisional service of petitioners as regularised service and also to declare that they are entitled to get increment and other service benefits on the basis of the regularization of service and seniority may be fixed on that basis.
>
> (ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to consider and dispose of Exts.P9 and P10."

It is submitted that in the case of several similarly situated persons, orders have been passed regularising them in service. There will be a direction to the first respondent to consider Exts.P9 and P10 and pass appropriate orders thereon in accordance with law with notice to the petitioners, within a period of three months from the date of production of a copy of the judgment, without discriminating them.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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